REMARKS

Claims 1, 3-7, 9-13 and 15-25 are all the claims pending in the application.

Applicant notes that on the Office Action Summary, claim 7 is not listed as a pending claim. On page 3 of the Office Action, it appears that claim 7 is rejected over the combination of Walls and Kowalski. Applicant submits that claim 7 is pending and allowable, as discussed below. However, the Examiner is requested to correct the Office Action Summary to indicate that claim 7 is pending.

Claim Amendments

Applicant has made amendments to claims 1, 3-7, 9, 12, 13, 15-17, and 19-23.

All amendments are fully supported by the originally filed specification. Entry of these amendments is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-7, 9-13, and 15-25 currently stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Walls (U.S. Patent Pub. No. 2004/0156315) in view of Kowalski (U.S. Patent Pub. No. 2003/0223365). Applicant respectfully traverses this rejection.

Claim 1, as amended, recites "a means of controlling a transmission rate of the reception acknowledgement signal transmitted from the first wireless station in response to reception of a data frame from a second wireless station, wherein the means of controlling controls the transmission rate of the reception acknowledgement signal based on the number of

retransmissions of the data frame". In other words, upon successful reception of a data frame from the second wireless station, the first wireless station sends a reception acknowledgement signal to the second wireless station, acknowledging successful receipt of the data frame. Additionally, the first wireless station controls the transmission rate at which the reception acknowledgement signal is transmitted based on the number of retransmissions.

Applicant submits that Walls and Kowalski, alone or in combination, fail to teach or suggest the features of claim 1 for the reasons discussed below.

Walls is related to an apparatus for transmitting to a network. In Walls, a transmitting unit transmits data packets to several receiving units. The packets are sequenced so that the receiving unit can tell if it has failed to receive a packet. Walls describes that for every 50th packet successfully received, the receiving unit will send an acknowledgment to the transmitting unit. In the case that a packet is missing, the receiving unit generates a retransmission request and sends it to the transmitting unit. (Walls, paragraph 32). The transmitting unit then adjusts the data transmission rate to keep the number of retransmission requests between threshold levels. (Walls, paragraph 38).

The Examiner asserts that Walls "controls the transmission rate of the reception acknowledgement signal" as required by claim 1. Applicant respectfully disagrees. Walls does not control the transmission rate of a reception acknowledgement signal at all. As described above, Walls only adjusts the data transmission rate of the transmitting unit. The acknowledgements are still only sent once per every 50th successfully received packet, and there

is no teaching or suggestion of any control of a transmission rate at which the acknowledgements are sent. That is, if the transmission rate of the acknowledgements is 24 Mbps, it will remain at 24 Mbps even if the data transmission rate is changed. As such, Walls is clearly different than claim 1 at least because Walls does not control the transmission rate of the reception acknowledgement signal.

The Examiner asserts that the retransmission requests of Walls correspond to the reception acknowledgement signal of claim 1. However, a retransmission request is not a reception acknowledgement signal. A reception acknowledgement is sent upon successful reception of a packet. A retransmission request, on the other hand, is sent when a packet is missing. Reception acknowledgements are well known in computer networking. Retransmission requests are not reception acknowledgements.

However, even assuming, *arguendo*, that a retransmission request were considered to be a reception acknowledgement signal, Walls still fails to teach or suggest "the means of controlling controls the transmission rate of the reception acknowledgement signal based on the number of retransmissions of the data frame" as recited in claim 1. As described above, Walls adjusts the data transmission rate to keep the number of retransmission requests between threshold levels. That is, Walls is controlling the data transmission rate, rather than any transmission rate of retransmission requests. Walls may lower the number of retransmission requests, but that does not affect the transmission rate of retransmission requests. That is, if retransmission requests are transmitted from the receiving unit at 24 Mbps, lowering the number of retransmission requests will only cause fewer retransmission requests to be transmitted at 24

Mbps. There is no teaching or suggestion of any control of a transmission rate at which the retransmission requests are sent. Thus, Walls does not control the transmission rate of a reception acknowledgement signal based on the number of retransmission requests, as is required by claim 1.

As discussed above, Walls fails to teach or suggest this feature of claim 1. The Examiner only relies on Kowalski as allegedly teaching a wireless transmission system. Kowalski does not cure the deficiencies of Walls described above. Thus, even it one were to combine Walls with Kowalski, the combination fails to teach or suggest all the elements of claim 1. As such, Applicant submits that claim 1 is patentable over the combination of Walls and Kowalski.

Claims 7, 13, and 19 recite features analogous to those of claim 1. Therefore, for analogous reasons to those discussed with respect to claim 1, Applicant submits that claims 7, 13, and 19 are patentable over the combination of Walls and Kowalski.

Applicant submits that claims 3-6, 9-12, 15-18, and 20-25 are patentable at least by virtue of their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373
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Date: November 10, 2009